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CIVIL AND POLITICAL RIGHTS, INCLUDING QUESTIONS OF: DISAPPEARANCES AND SUMMARY EXECUTIONS, INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY

Note by the Secretary-General

1. In its resolution 1998/25 of 26 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided to transmit the draft international convention on the protection of all persons from enforced disappearance to the Commission on Human Rights for its consideration, together with the comments of the Sub-Commission thereon, as well as those of the sessional working group on the administration of justice.

2. In pursuance of this resolution, the Secretary-General is transmitting to the Commission on Human Rights the text of the draft international convention (E/CN.4/Sub.2/1998/19, annex), the comments of the Sub-Commission (E/CN.4/Sub.2/1998/SR.24, 27, 28 and 35) and comments of the sessional working group on the administration of justice (E/CN.4/Sub.2/1998/19, paras. 9-64).

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

Note by the Secretariat

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I. INTRODUCTION

1. In its resolution 1998/33 of 17 April 1998, entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights", the Commission on Human Rights requested the High Commissioner for Human Rights to urge all States parties to the International Covenant on Economic, Social and Cultural Rights to submit their comments on the report of the Committee on Economic, Social and Cultural Rights to the Commission on a draft optional protocol for the consideration of communications in relation to the Covenant (E/CN.4/1997/105, annex).

2. Pursuant to this decision, a request for comments was addressed on 17 August 1998 to Governments concerned.

3. By 15 December 1998, comments had been received from the following States: Croatia and Finland.

4. The comments had also been submitted, in response to the 1997 request, by the following non-governmental organization: Centre international de recherches et d'études sociologiques, pénales et pénitentiaires.

5. The present report contains a summary of the substantive replies received.

6. Any additional replies will be reproduced in an addendum to this document.

II. COMMENTS RECEIVED FROM STATES

Finland

[Original: ENGLISH]
[19 October 1998]

The Government of Finland sees the need to strengthen the global implementation of economic, social and cultural rights. Finland wishes to refer to its comments submitted last year in reply to the Secretary-General's letter of 27 August 1997, in which Finland welcomed the report of the Committee on Economic, Social and Cultural Rights on a draft optional protocol providing a system of communications in relation to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1997/105, annex) and stated that a communication procedure would be a means to ensure the recognition and implementation of the rights guaranteed in the Covenant.

Furthermore Finland would like to draw attention to the important step taken within the Council of Europe, i.e. the Additional Protocol to the European Social Charter Providing a System of Collective Complaints, which entered into force on 1 July 1998 and in respect of Finland on 1 September 1998. So far Finland has been the only State recognizing in accordance with Article 2 the right of any representative national

non-governmental organization within its jurisdiction, which has particular competence in the matters governed by the Charter, to lodge complaints against it.

Croatia

[Original: ENGLISH]
[12 November 1998]

The Republic of Croatia welcomes the idea of drafting an optional protocol to the International Covenant on Economic, Social and Cultural Rights in order to enable the individuals whose rights under the Covenant have been violated to submit an individual petition. The international supervision in the field of economic, social and cultural rights is of equal importance as the one which through different international mechanisms is available for the violations of civil and political rights. Despite the long discussion on the justiciability of economic and social rights, the Republic of Croatia shares the views of the Committee that, to a certain extent, economic and social rights are fully justiciable.

The Government however finds crucial for the Committee, in order to enforce the provisions of the future protocol in the appropriate manner, to develop a clear system of indicators with the purpose of defining the minimum in the scope of rights that has to be followed irrespectively of the economic prospects of the country involved.

In respect of the proposed provisions of the draft protocol, the Republic of Croatia wishes to propose several minor changes:

1. In the proposed text of the preamble the expression "subject of the economic, social and cultural rights" is proposed to be changed in a way to express that individuals are to enjoy rights. The division of object-subject of rights does not seem appropriate.

2. Considering the question of terminology, it seems clear that the right of an individual complaint coming under the protocol may affect just the violation of the individual right granted by the Covenant. Obligation of the State to submit reports is undoubtedly an international obligation, but failure to satisfy it does not represent the violation of any individual rights.

3. As the Committee accepted the concept that the individual or the group that submit complaint must be the victim of violation or acting on behalf and with the knowledge of the victim, the phrase "claiming to be a victim of violation" needs to be inserted already in the proposed article 1, after the word "groups".

4. The Government supports the comprehensive approach proposed by the Committee in section 2 of the report.

5. In the proposed text of Article 3, point 3 (b) introduces a provision that departs from the practice used by the Human Rights Committee. How is the Committee going to judge that the other international procedure is

unreasonably prolonged, knowing that, due to the objective circumstances, most of them take a long period of time? It could be understood as the intention, to suggest lack of objectivity or capability by the other international forum or even an attempt to introduce a kind of hierarchy between them. Anyway, in the interest of the legal safety, it is strongly suggested to reconsider this paragraph.

6. In the proposed text of Article 6, the Government finds unacceptable that the Committee bring "confidentially" to the attention of the State party any communication referred to it. It is unclear how the Government could address an anonymous application, when it relates to individual situation particularly in the case of the exhaustion of domestic remedies requirement. If this expression indicates that the Committee will not make the application public, the text should be redrafted to make it clear.

III. COMMENTS SUBMITTED BY NON-GOVERNMENTAL ORGANIZATIONS

International Centre for Sociological, Penal and Penitentiary Research and Studies at Messina. Comments by Professor Claudio Zanghì (Italy)

[Original: FRENCH]
[27 October 1998]

Preamble: I share the general opinion that a brief preamble, limited to the basics, should be formulated. In that light, I wonder if it would not be appropriate to merge the fourth paragraph "Recalling ..." and the fifth, "Noting ..." ((d) and (e)). The reference in (d) to the undertaking made by States does not really add much to what is already contained in the Covenant itself. By contrast, the word "Noting" in (e) reflects a necessary condition: practical and effective protection of human rights cannot be achieved without providing individuals claiming to be victims of violations with the power of direct action.

I therefore suggest merging the two paragraphs so as to show that the right we are proposing to recognize to individuals in (e) is no more than a logical and consistent consequence of the undertaking made by States and referred to in (d).

Article 1: No comments.

Article 2: No comments on the first part of the sentence in paragraph 1: it is appropriate to stipulate the economic, social and cultural rights recognized in the Covenant in order to avoid the possibility of the provision being interpreted as encompassing the other articles of the Covenant. I fully endorse the comprehensive approach relating to all the rights recognized, rather than the "à la carte" approach, whereby States could commit themselves only in respect of certain rights.

The second part of the sentence raises serious difficulties, however. To speak of an individual or group "... acting on behalf of such claimant(s) ..." entails by definition referring to a nexus between the person or group submitting the complaint and the person claiming to be the victim of a violation.

I do not think the qualification "acting on behalf of the claimant" is acceptable, if we do not at the same time specify the conditions under which a person may be considered to be acting on behalf of an alleged victim.

The reasons given in the analysis are less than convincing and at times even inadmissible, as when it is deemed enough for the person submitting the complaint to simply inform, or receive some kind of authorization from, the alleged victim.

To be applicable in practice, such a provision should deal directly with the problem or refer to the domestic legal system of the State in question. The first solution is impossible, while the second may itself be a factor in the interpretation of any provision that did not explicitly deal with the problem.

All in all, having regard to the precedents set by other texts, I believe it is preferable to restrict the text to the actual individuals or groups who claim to be the victims of violations.

In particular, in well-defined cases, such as where an individual or group is not physically capable of submitting a complaint (for example, if the individual has died), a complaint submitted by one individual on behalf of another may be deemed admissible under the Committee's case law, even if the situation is not explicitly covered by the article.

An intermediate solution might be to restrict the third-party option to specific cases. The only case which, in my opinion, presents no problems of admissibility is where the victim of a violation is physically incapable of taking action.

The article would therefore have to include the additional phrase "... where the claimant is physically incapable of lodging a complaint".

No comments on paragraph 2.

Article 3: On admissibility, no comments with regard to paragraphs 1 and 2. However, paragraph 3 raises a number of problems. First I note that there is no indication of time limits. Even given a precedent in this area, I feel it would be very difficult for States to allow themselves to be subject to a procedure that includes no time limit with regard to the events giving rise to the complaint. I suggest that a time limit after all domestic remedies have been exhausted should be imposed on the exercise of the right to submit a complaint to the Committee.

The second sentence in (b) raises more important questions. The intention of the provision "The Committee may ..." is to allow the Committee to examine a communication despite the fact that an international procedure may already be in progress. To my mind this is unacceptable in principle since it runs counter to internationally recognized principles of procedure, but it is rendered even more unacceptable since the phrase "... is unreasonably prolonged" gives the Committee unlimited discretionary powers. I therefore suggest that the sentence should be deleted.

Article 4: The idea expressed in paragraph 1 is in my opinion implicit in the activity of any body required to take a position on a complaint, a communication or an appeal. It goes without saying that, if the grounds are deemed insufficient, the case must be dismissed for lack of substantiation. There is no reason why the case should not be reopened at a later date if convincing evidence based on new facts is submitted.

I therefore believe that paragraph 1 serves no purpose, since it is not a question of declining to continue the examination but simply of dismissing the claim.

Paragraph 2, on the other hand, may be retained.

Article 5: No comments.

Article 6: No comments.

Article 7: Paragraph 1 raises problems in the light of my comments on article 2. For the sake of consistency, I suggest deleting the phrase "or on behalf of" in the first sentence of paragraph 1. I also suggest deleting the phrase "in accordance with paragraph 2". There are two disadvantages to this reference: first, since paragraph 2 has the sense of giving the Committee a choice rather than imposing an obligation (The Committee "may adopt" and not "shall adopt"), there is a possibility that the reference will be left hanging if the Committee does not adopt those procedures. As a result, the Committee would not be able to examine any procedure under paragraph 1 until it had adopted the procedures mentioned in paragraph 2. This would amount to compelling rather than allowing the Committee to adopt the procedures.

Second, even if the Committee had every intention of adopting the procedures, it would require a certain amount of time to do so; this would be tantamount to refusing to give practical implementation to the right to submit a communication.

I therefore suggest deleting this reference to paragraph 2 so as not to place greater constraints on the right to submit a communication and the possibilities of examining it.

With regard to paragraph 2 itself, it could be argued that it is implicit in the operation of any body that it may adopt such procedures as it deems necessary. Clearly, in that case, the whole of paragraph 2 could be deleted.

If, however, it is thought preferable to make this explicit, I would have no objection provided that no link was made between paragraph 1 and paragraph 2.

No comments on the remaining paragraphs.

Article 8: With regard to paragraph 2, I do not agree with the idea of giving the Committee the discretion to specify a longer period than the six months provided for. In the first place, six months is generally an acceptable period and the obligation is for the State to provide details of the measures

taken. In exceptional cases, for example where the measures recommended by the Committee require more than six months, there is nothing to stop States from providing details within the time allowed (six months), even if they have not yet fully implemented the measures recommended by the Committee.

In such a special case, further information should be provided later by the same State. In my view, such situations are exceptional and can be resolved by the Committee with no difficulty in the normal way, and without the need for provisions in the text of the article itself.

Article 9: No comments.

Article 10: Since rules of procedures are essential to the smooth running of the Committee, I believe it is simpler to say "the Committee shall make rules ...".

Article 11: No comments.

Remaining articles: No comments.

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

Note by the Secretariat

Addendum

1. By 15 February 1999, comments had been received from the following States parties to the International Covenant on Economic, Social and Cultural Rights: Cyprus, Mexico and Sweden.

2. The present document contains a summary of the substantive replies received.

COMMENTS RECEIVED FROM STATES PARTIES TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Cyprus

[Original: English]
[9 November 1998]

The competent authorities of the Republic of Cyprus consider that the adoption of the Optional Protocol would provide a mechanism for ensuring the implementation and respect of all the rights safeguarded by the Covenant. They are, however, of the opinion that more States would ratify the Optional Protocol if they could opt out of certain articles provided that the articles each State could exclude would not exceed a specific number and this with a view to safeguarding the comprehensiveness of the Optional Protocol.

Mexico

[Original: Spanish]
[12 January 1999]

1. The Government of Mexico attaches particular importance to the principles of the interdependence and indivisibility of all human rights. For that reason, it is of the view that a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights should be drawn up.

2. Subject to any more specific suggestions that may be presented during the negotiation of this draft by the delegation of Mexico in connection with the proposal submitted by the Committee on Economic, Social and Cultural Rights, the Mexican Government considers that in principle and as indicated by the Committee, the Optional Protocol in question should as far as possible resemble the first Optional Protocol to the International Covenant on Civil and Political Rights and incorporate the observations and constructive suggestions made during the elaboration of similar instruments.

3. The Government of Mexico is of the view that the main purpose of the Optional Protocol should be to authorize the Committee on Economic, Social and Cultural Rights to examine communications in the same way as is done by the Human Rights Committee under the provisions of the Optional Protocol to the International Covenant on Civil and Political Rights.

Sweden

[Original: English]
[21 December 1998]

1. Sweden is since 1976 a State party to the International Covenant on Economic, Social and Cultural Rights and has submitted periodic reports in accordance with article 16 of the Covenant. Sweden is also a State party to the European Social Charter and has recently ratified both the Revised European Social Charter and the Additional Protocol to the European Social Charter providing for a system of collective complaints.

2. In its policy on human rights, Sweden attaches very high priority to the realization of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights and places great importance on the role of the Committee concerning the follow-up of the implementation of the Covenant. Sweden lends its support to efforts aimed at improving the effectiveness and relevance of the Committee's work.

3. Sweden believes that the Committee should not only seek new and appropriate ways to measure States parties' compliance with their obligations but it should also actively encourage dialogue with the State party concerned as well as between States parties on the steps to be taken to achieve the full realization of the rights recognized in the Covenant.

4. In addressing the question of implementation the Covenant has not only established obligations for each State party but also envisaged the active involvement of the international community in achieving progressively the full realization of the rights enshrined therein. The reference in article 2 to international cooperation as well as the provisions in articles 16-23 for various United Nations agencies to play an active role, call for a cooperative approach in finding new ways towards the implementation of the Covenant. In this context, Sweden welcomes the decision by the Commission on Human Rights to appoint a Special Rapporteur with a mandate to focus on the right to education.

5. As to the draft optional protocol for the consideration of communications in relation to the Covenant, the Government of Sweden has carefully studied the arguments advanced in favour of drafting such an instrument. While it is perfectly clear that economic, social and cultural rights are individual rights, it does not necessarily follow that international mechanisms entrusted to monitor the compliance of States with these rights should involve individual complaint procedures.

6. In order for an individual complaint procedure to function in a credible and efficient way, the State obligations to which such a procedure would refer would have to be precise. This is, for instance, the case with the rights

laid down in the International Covenant on Civil and Political Rights, in relation to which a complaint procedure was instituted from the outset. As regards the International Covenant on Economic, Social and Cultural Rights, the authors at the time did not envisage such a procedure.

7. Although the differences between the nature of the obligations laid down in the two Covenants should not be exaggerated, it has to be recognized that differences do exist. In the International Covenant on Civil and Political Rights, States are obliged to respect and ensure the rights recognized therein. In article 2.1 of the International Covenant on Economic, Social and Cultural Rights it is stipulated that States are obliged to take steps with a view to achieving progressively the full implementation of the rights. Hence, the obligation to progressively fulfil is emphasized rather than obligations to respect and protect the rights.

8. It should be noted in this context that while article 2.2 stipulates that States are to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind, the subsequent article 2.3 allows developing countries, with due regard for human rights and their national economy, to determine to what extent they would guarantee the economic rights recognized in the Covenant to non-nationals. There is no corresponding provision in the International Covenant on Civil and Political Rights, which is applicable to all States without distinction as to their economic resources.

9. The Government of Sweden is not convinced that an individual complaint procedure under the International Covenant on Economic, Social and Cultural Rights would serve the purpose of illuminating problems or deficiencies when it comes to the steps to be taken by a State to realize a particular right.

10. It has to be borne in mind that there is a certain overlapping between the rights laid down in the International Covenant on Civil and Political Rights and those of the International Covenant on Economic, Social and Cultural Rights. One example is article 22 (freedom of association) in the International Covenant on Civil and Political Rights and article 8 (the right to form a trade union) in the International Covenant on Economic, Social and Cultural Rights. The existence of two different supervisory mechanisms set up under two different human rights standards protecting essentially the same right entails a risk that divergent standards would be developed when handling an individual complaint. Such divergences could create serious problems for States which have declared themselves bound by both instruments, and which would face a situation of having to adapt themselves to international case-law which is not consistent.

11. Sweden believes that another important consideration is how the Committee's available capacity could best be used to ensure a comprehensive approach in assisting State parties in complying with their obligations under the Covenant. At present the Committee meets only once a year. It cannot be

excluded that the envisaged complaint procedure would general a vast number of individual complaints. The processing of such complaints would detract from other more urgent tasks of the Committee. Another closely linked question is how scarce servicing capacity can best be used to meet the requirements of the Committee.

12. To sum up, the Government of Sweden remains unconvinced that the suggested draft optional protocol presents an optimal way forward in the strengthening of the international mechanisms needed to contribute to the universal realization of economic, social and cultural rights.

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SPECIFIC GROUPS AND INDIVIDUALS: MINORITIES

Rights of persons belonging to national or ethnic, religious and linguistic minorities

Report of the Secretary-General

GE.99-10751 (E)

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Introduction

1. The Commission on Human Rights, in its resolution 1998/19 in which it urged States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities as set out in the Declaration; recommended that the human rights treaty bodies give particular attention to the implementation of articles relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities; called upon the Secretary-General to make available qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities; requested the High Commissioner for Human Rights to continue her efforts to improve the coordination and cooperation of United Nations programmes and agencies which deal with minority issues; called upon special representatives, special rapporteurs and working groups of the Commission to continue to give attention to situations involving minorities; and commended the role of the Working Group on Minorities of the Sub-Commission.

2. The Commission on Human Rights also requested the Secretary-General to report to it at its fifty-fifth session on the implementation of the resolution.

3. Information contained in the report, which is submitted pursuant to resolution 1998/19, is drawn from the concluding observations of the relevant treaty bodies, the reports of the special representatives and special rapporteurs submitted to the Commission on Human Rights at its last session, the annual report on activities undertaken in the area of advisory services and technical cooperation, and the report of the Working Group on Minorities at its fourth session. The information highlighted pertains to the promotion and protection of the rights of persons belonging to minorities as contained in the international human rights instruments in general, and in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in particular. Due to limited space, only substantive information on minorities has been reflected in this report.

I. TREATY BODIES

4. The committees established to monitor the progress made by States parties in fulfilling their obligations under human rights treaties have continued to pay attention to the promotion and protection of the rights of persons belonging to minorities. The committees which are of particular relevance to the implementation of minority rights are the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child. During the period under review, States parties have continued to submit reports to the respective committees outlining the legislative, judicial, policy and other measures which they have taken to ensure the enjoyment of, inter alia, the minority-specific rights contained in the relevant instruments.

A. Human Rights Committee

5. At its sixty-second session, held from 23 March to 9 April 1998, the Human Rights Committee considered the reports of Cyprus (CCPR/C/94/Add.1), Finland (CCPR/C/95/Add.6), Uruguay (CCPR/C/95/Add.9) and Zimbabwe (CCPR/C/74/Add.3). At its sixty-third session, held from 13 to 31 July 1998, the Human Rights Committee considered the reports of Algeria (CCPR/C/101/Add.1), Ecuador (CCPR/C/84/Add.6), Israel (CCPR/C/81/Add.13), Italy (CCPR/C/103/Add.4), the former Yugoslav Republic of Macedonia (CCPR/C/74/Add.4) and the United Republic of Tanzania (CCPR/C/83/Add.2).

6. In its concluding observations on these reports, the Committee on Human Rights referred to the rights of persons belonging to minorities to develop their culture, speak their mother tongue and use their own language in communications with authorities. The Committee also highlighted the rights of persons belonging to minorities to establish and maintain their own associations and to participate in the political, administrative and cultural life of society.

B. Committee on Economic, Social and Cultural Rights

7. At its eighteenth session, held from 27 April to 5 May 1998, the Committee on Economic, Social and Cultural Rights considered the reports of the European part of the Netherlands, Netherlands Antilles, and Aruba (E/1990/6/Add.11), Nigeria (E/1990/5/Add.31), Poland (E/1994/104/Add.13) and Sri Lanka (E/1990/5/Add.32). At its nineteenth session, held from 16 November to 12 December 1998, the Committee considered the reports of Canada (E/1994/104/Add.14), Cyprus (E/1994/104/Add.12), Germany (E/1994/104/Add.14), Israel (E/1990/5/Add.39) and Switzerland (E/1990/5/Add.33).

8. In its concluding observations on these reports, the Committee referred to the provision of subsidies for the construction of places of worship and the realization of the right to take part in cultural life, as well as the conclusion of bilateral treaties with kin States. The Committee also referred to the rights of minority groups to practise their religion and teach their own culture and participate in national, political and economic life.

C. Committee on the Elimination of Racial Discrimination

9. The Committee on the Elimination of Racial Discrimination held its fifty-second session from 2 to 20 March 1998 and considered the State party reports of Armenia (CERD/C/289/Add.2), Cambodia (CERD/C/292/Add.2), Cameroon (CERD/C/298/Add.3), the Czech Republic (CERD/C/289/Add.1), Israel (CERD/C/294/Add.1), Lebanon (CERD/C/298/Add.1), the Libyan Arab Jamahiriya (CERD/C/299/Add.13), the Netherlands (CERD/C/319/Add.2), the Russian Federation (CERD/C/299/Add.15), Switzerland (CERD/C/279/Add.1), Ukraine (CERD/C/29/Add.14) and Yugoslavia (CERD/C/299/Add.17). At its fifty-third session, from 3 to 21 August 1998, the Committee considered the State party reports of Croatia (CERD/C/290/Add.1), Cuba (CERD/C/319/Add.4), Cyprus (CERD/C/299/Add.1), Gabon (CERD/C/315/Add.1), Jordan (CERD/C/318/Add.1), Morocco (CERD/C/298/Add.4), Nepal (CERD/C/298/Add.1), Niger (CERD/C/299/Add.18) and Tonga (CERD/C/319/Add.3).

10. In its concluding observations on these reports, the Committee on the Elimination of Racial Discrimination referred to the constitutional and legislative protection of the rights of minorities, and to federal laws adopted by some countries. The Committee also referred to the rights of minorities to learn their own language and the role of the media in protecting and promoting their rights. Reference was also made to discrimination against persons belonging to ethnic minorities, including on the basis of language and citizenship. The Committee recommended the provision of education and training on tolerance and human rights issues to judges, lawyers and civil servants as a means to better protect the distinct and unique identity of minority groups.

D. Committee on the Rights of the Child

11. At its seventeenth session, held from 5 to 23 January 1998, the Committee on the Rights of the Child considered the reports of Ireland (CRC/C/11/Add.12), the Libyan Arab Jamahiriya (CRC/C/28/Add.6) and Micronesia (CRC/C/28/Add.5). At its eighteenth session, held from 19 May to 5 June 1998, the Committee considered the reports of Maldives (CRC/C/8/Add.33 and 37), Luxembourg (CRC/C/41/Add.2), Japan (CRC/C/41/Add.1), Hungary (CRC/C/8/Add.34), Fiji (CRC/C/28/Add.7) and the Democratic People's Republic of Korea (CRC/C/3/Add.41). At its nineteenth session, the Committee considered the reports of Thailand (CRC/C/41/Add.3), Kuwait (CRC/C/8/Add.35), Iraq (CRC/C/41/Add.3), Ecuador (CRC/C/3/Add.44) and Bolivia (CRC/C/65/Add.1).

12. In its concluding observations on the above-mentioned reports, the Committee referred to the rights of children belonging to minorities to education, to learn and use their own language, and to their rights to a nationality and non-discrimination. The Committee also referred to the issue of citizenship and the need for children to have access to education, vocational training and adequate social programmes.

II. SPECIAL RAPPORTEURS

A. Special Rapporteur on religious intolerance

13. The Special Rapporteur on religious intolerance, Mr. Abdelfattah Amor, in his report of his visit to Germany in February 1997 (E/CN.4/1998/6/Add.2) devoted particular attention to the study of legislation relating to tolerance and non-discrimination in the field of religion or belief, its implementation and the policy in force. He made specific reference to the situation of the Jewish and Muslim minorities in Germany.

14. The Special Rapporteur mentioned that the Jewish minority enjoyed a privileged situation in the area of religious freedom. Religious instruction of Judaism is guaranteed, private schools and places of worship exist in sufficient numbers, and the Jewish community has the right to appropriate broadcasting time on the public and private radio network throughout the country. With respect to the rights of the Muslim minority, the attention of the international community was drawn to the fact that Islam is not taught in State schools and there was therefore a need for inter-religious education to facilitate the integration of Muslims and to encourage tolerance within society. An additional issue identified by the Special Rapporteur pertained

to the granting of the status of legal person in public law which Muslims have applied for but have not yet obtained. This status would enable the Muslim minority to enjoy the benefits and rights granted to the dominant religions, the Jewish community and other groups such as the Mormons. In his recommendations, the Special Rapporteur mentioned that the introduction of the teaching of Islam in State schools would be extremely useful. On a more general note, the Special Rapporteur stressed that the State must implement a strategy to prevent intolerance in the field of religion and belief and that sustained efforts are required to promote and develop a culture of tolerance and human rights.

B. Special Rapporteur on extrajudicial, summary or arbitrary executions

15. In his report (E/CN.4/1998/68 and Corr.1 and Add.1), the Special Rapporteur, Mr. Bacre Waly Ndiaye, examined situations of extrajudicial, summary or arbitrary executions, responded to information received and enhanced further his dialogue with Governments. The Commission on Human Rights requested the Special Rapporteur to pay special attention to violations of the right to life of, inter alia, persons belonging to ethnic minorities. In this connection, the Special Rapporteur took action on behalf of a number of persons belonging to national, ethnic, religious or linguistic minorities.

16. During the period November 1996 to October 1997, the Special Rapporteur sent urgent appeals on behalf of three indigenous persons belonging to the Tolupan in Honduras, 140 indigenous families from the Suminao Clan in the Philippines, two persons who had adopted the Baha'i faith in the Islamic Republic of Iran, and members of the Guarani-Kiowa indigenous community in Brazil, requesting the authorities to take the necessary measures to protect their right to life. In addition, the Special Rapporteur acted on behalf of the following persons belonging to national, ethnic, religious or linguistic minorities whose right to life was reportedly violated: 8 indigenous persons in Colombia; 2 indigenous persons in Guatemala; 2 persons belonging to the Tolupan indigenous group in Honduras; 2 indigenous persons in Mexico; 3 persons belonging to the Suminao Clan in the Philippines; 81 persons belonging to the Roma minority in Romania; several persons belonging to the Karen ethnic minority and 1 person belonging to the Karenni ethnic minority, all having fled from Myanmar to Thailand; 2 villagers belonging to the Shan ethnic minority in Myanmar.

17. In his concluding remarks and recommendations, the Special Rapporteur noted that one of the most prevalent targets of extrajudicial, summary or arbitrary executions has continued to be persons preventing and combating racial, ethnic or religious discrimination, and persons belonging to minorities. With reference to States in which acts of communal violence occur, the Special Rapporteur recommended that they should do their utmost to curb such conflicts at an early stage, and to work towards reconciliation and peaceful coexistence of all segments of the population regardless of ethnic origin, religion, language or any other distinction. Governments should at all times refrain from any propaganda or incitement to hatred and intolerance that might foment acts of communal violence or condone such acts and bring to justice perpetrators of such acts.

C. Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia

18. In her final report (E/CN.4/1998/63), the Special Rapporteur, Ms. Elisabeth Rehn, provided an overview of the situation and the status of minorities in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia.

19. With reference to Croatia, the Special Rapporteur noted that the failure to resolve the question of property rights has been a major obstacle to the return of Serb refugees who continue to face serious difficulties regarding access to properties given over to displaced and immigrant Croats. In this connection, the Special Rapporteur reiterated her view that all citizens' property rights must be respected equally. In addition, imbalances remain in the provision of reconstruction assistance for destroyed houses, with priority apparently still being given to ethnic Croats. Discrimination by employers against Croatian Serbs continues to be reported in the workplace. With reference to the situation in the Federal Republic of Yugoslavia, the Special Rapporteur has, throughout her mandate, paid particular attention to the situation of human rights in Kosovo, especially in regard to the demand of Albanian students to return to school and university premises. With regard to the situation in Sandzak, the Special Rapporteur continued to receive information indicating that members of the Muslim community experience discrimination, especially in employment and education and that laws are selectively applied depending on a person's ethnicity. The Special Rapporteur expressed concern that the recommendations she made in her earlier reports have largely been ignored. She stated that until these issues, which affect all citizens, are addressed, the problems of specific groups in society, such as ethnic and linguistic minorities, will remain unresolved.

D. Special Rapporteur on the situation of human rights in Iraq

20. In his report (E/CN.4/1998/67), the Special Rapporteur, Mr. Max van der Stoel, strongly condemned the massive and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror. In his report, the Special Rapporteur drew the attention of the international community to the practice of forced displacement from Kirkuk, Khanaqin and Douz which continues to be implemented by the Iraqi authorities. Kurds and Turkomen who settled in these places after the 1950s are the principal victims of this policy. Kurdish and Turkoman families are required to move either to the southern part of the country or to the three northern governorates. At the same time, Arabs are reportedly encouraged to settle in Kirkuk, in pursuance of the Government's policy of Arabization. Furthermore, members of religious and ethnic minorities continue to fear discrimination in Iraq, in particular Shiites in the Southern Marshes and Kurds.

21. The Special Rapporteur noted with deep concern reports stating that the effect of the embargo is harsher on members of ethnic and religious minorities, and that there exists discrimination in the allocation by the authorities of the limited resources available between rural and urban areas

and against the southern region with respect to the Marsh people. The Special Rapporteur recommended that the Government of Iraq immediately bring to an end summary or arbitrary executions, arbitrary arrests and detention, torture and ill-treatment by members of the security and military forces, disappearances of thousands of people in northern Iraq and the southern Marsh area, and forced relocations. He urged the Government to ensure that the persons responsible for those acts are brought to justice without delay.

E. Special Rapporteur on the situation of human rights in Myanmar

22. In his report (E/CN.4/1998/70), the Special Rapporteur, Mr. Rajsoomer Lallah, expressed concern at the continuing violations of human rights in Myanmar including, inter alia, the imposition of oppressive measures directed in particular at ethnic and religious minorities. He referred specifically to the forced relocation and other violations of the rights of persons belonging to minorities, resulting in a flow of refugees to neighbouring countries, and the continuing attacks on groups resulting in death, destruction and displacement. He also drew the attention of the international community to the plight of children belonging to ethnic and religious minority groups who are subjected to forced labour. The Special Rapporteur on the question of torture informed the Government of Myanmar about reports indicating that the Myanmar army still uses torture and ill-treatment against members of ethnic minorities in Shan and Mon states and in Tanintharyi division. According to these reports, members of ethnic minorities are forced to serve as porters for the army. Any person who cannot carry the required load is subjected to punishment and ill-treatment.

23. In his conclusion, the Special Rapporteur confirmed that extrajudicial, summary or arbitrary executions, the practice of torture, portering and forced labour continue to occur in Myanmar, particularly in the context of development programmes and of counter-insurgency operations in minority-dominated regions. He added that there still remain clear violations of the right to freedom of movement and residence in Myanmar, especially in respect of the Muslim Rakhine population, which include racially based restrictions on travel inside the country and abroad. The Special Rapporteur also raised the question of the consistency of citizenship laws with international human rights standards since those laws appear to be discriminatory on the basis of ethnicity, leading to serious violations of the rights of minorities. The Special Rapporteur recommended that the Government revise the laws on citizenship and conduct a high-level inquiry into the serious human rights violations which have occurred in areas where ethnic minorities live or to which they are being forcibly displaced. The Government of Myanmar should promote the civil, political, social, economic and cultural rights of minorities as well as their participation in public life without restriction or discrimination.

III. TECHNICAL COOPERATION

24. Under the leadership of the High Commissioner for Human Rights, the programme of advisory services and technical cooperation aims at assisting Governments, at their request, in promoting and protecting human rights at the national and regional levels. In particular, assistance is provided on incorporating international human rights standards in national laws, policies

and practices and building national capacity and regional structures for the promotion and protection of all human rights, democracy and the rule of law. Generally, assistance may take the form of expertise, advisory services, institution-building, training courses, workshops and seminars, fellowships, grants and the provision of information and documentation. In the area of minority protection, Governments may request qualified expertise on minority issues, including the prevention of disputes, to assist in existing or potential situations involving minorities.

25. During the period under review, a number of projects were undertaken that may possibly have an indirect impact on the strengthening of minority protection and the reduction of tensions between groups. These include: a training course on human rights monitoring and law enforcement for International Police Task Force members of the United Nations Mission in Bosnia and Herzegovina and for civilian police monitors of the United Nations Transitional Authority in Eastern Slavonia; the provision of legal advisers to analyse human rights problems for people applying for citizenship in Latvia; and the organization of an expert meeting on the preparation of a handbook on human rights, minorities and conflict management for human rights and conflict management practitioners.

IV. WORKING GROUP ON MINORITIES

26. From 25 to 29 May 1998, the Working Group on Minorities of the Sub-Commission on Prevention of Discrimination and Protection of Minorities held its fourth session. The Working Group has continued to carry on its work in accordance with the mandate entrusted to it, namely to: review the promotion and practical realization of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; examine possible solutions to problems involving minorities; and recommend further measures for the promotion and protection of their rights.

27. The Working Group is composed of the following five experts, members of the Sub-Commission: Mr. José Bengoa (Chile), Mr. Asbjørn Eide (Norway), Mr. Vladimir Kartashkin (Russian Federation), Mr. Mustapha Mehedi (Algeria) and Mr. Soli Sorabjee (India). The last three are new members, elected to the Sub-Commission at the 1998 session of the Commission. Participants at the fourth session of the Working Group included representatives of over 30 Governments, 4 specialized agencies, over 20 non-governmental organizations in consultative status, over 80 minority organizations and approximately 20 scholars.

28. The deliberations of the Working Group focused on the practical realization of the Declaration, in particular the right of minorities to use and learn their own language, profess and practise their own religion and enjoy their own culture. Many representatives brought the situation of minorities in their own country to the attention of the Working Group and highlighted recommendations for solutions to the problems identified. The discussions on thematic issues centred on the working and conference room papers prepared on the following subjects: a commentary on the principles contained in the Declaration, best practices in the area of minority protection, the role of the media in protecting minorities, effective

political participation and representation of minorities, the presidential round table in Estonia (an example of a conciliation mechanism) and the role of bilateral treaties in protecting minorities.

29. In order to increase awareness of other human rights mechanisms and procedures, presentations were made to the Working Group by staff of the secretariat of the Human Rights Committee, the Committee on the Rights of the Child, the practical application of the "1503 procedure", and by the Special Rapporteurs on religious intolerance and on freedom of opinion and expression. In addition, presentations were made by the ILO, UNESCO and WHO on their activities in the field of minority protection.

30. The following recommendations were adopted by the Working Group:

(a) In order to continue the focus on thematic issues, each member of the Working Group agreed to prepare a working paper, on: conflict prevention in situations involving minorities (Mr. Sorabjee); existence and recognition of minorities (Mr. Bengoa); multicultural and intercultural education (Mr. Mehedi); citizenship and the rights of non-citizens (Mr. Eide); and universal and regional mechanisms for minority protection (Mr. Kartashkin);

(b) The Working Group decided that the members would be available for visits to countries at the invitation of the Governments concerned, on condition that funding was available;

(c) The Working Group decided that it would make available to Governments, in conformity with article 6 of the Declaration, situations which have been brought to the attention of the Working Group during its session. To this end, standard letters will be transmitted to the Governments concerned, including one paragraph on the issues which were raised;

(d) The Commentary to the Declaration (E/CN.4/Sub.2/AC.5/1998/WP.1) will be submitted to Governments, agencies and non-governmental organizations for comments and suggestions as a means to continue the discussion, at the next session, on the content and scope of the principles contained in the Declaration. On this basis, the Working Group will initiate a practice of developing interpretative comments on individual articles of the Declaration;

(e) It was suggested that the specialized agencies be called upon to provide information on their activities in the field of minority protection (in conformity with article 9 of the Declaration) to the Working Group well in advance, thereby allowing for more detailed discussion about their policies and programmes. It was also decided that NGOs wishing to participate at the next session send to the secretariat, in advance, specific questions on the role and activities of the specialized agencies so that responses could be prepared in good time;

(f) The Working Group decided to make contact with research institutes and NGOs to review the information on the protection of the rights of persons belonging to minorities submitted by States to treaty bodies and with regard to questions raised during the consideration of relevant reports, with a view to the preparation of a compilation of its work in this field. Similar contacts will be made with regard to the work of the special rapporteurs;

(g) The Working Group recommended that a feasibility study be prepared by one or more NGOs such as the Minority Rights Group in London and the Centre on Ethnic Studies of Colombo on the establishment of a database on minority issues;

(h) The Working Group recommended that a pocket edition of the Declaration be prepared in the national as well as minority languages. Translation into minority languages could be entrusted to the minorities concerned, with the possible collaboration of international NGOs;

(i) The Working Group suggested that steps be taken to ensure more active participation by States in forthcoming sessions;

(j) The Working Group recommended the establishment of a voluntary fund to enable greater participation of minority representatives at the Working Group's sessions and for members of the Working Group to visit countries at the invitation of Governments concerned;

(k) The Working Group decided to organize expert seminars between the sessions of the Working Group, focusing primarily on the subjects of the working papers for the next session.

31. The report of the Working Group at its fourth session is contained in document E/CN.4/Sub.2/1998/18.

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SPECIFIC GROUPS AND INDIVIDUALS: MINORITIES

Letter dated 28 December 1998 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-fifth session of the Commission on Human Rights

I have the honour to transmit to you herewith the information on the State policy in the Republic of Azerbaijan on the protection of the rights and freedoms of persons belonging to minorities.

I would be grateful if you could circulate the present letter and the above-mentioned information as an official document of the fifty-fifth session of the Commission on Human Rights under item 14 (b) of the provisional agenda.

(Signed): Sima EIVAZOVA
Ambassador
Permanent Representative

Information on State policy in the Republic of Azerbaijan on the protection of the rights and freedoms of persons belonging to minorities

1. According to the 1989 census, 82.7 per cent of the Azerbaijani Republic's population are Azerbaijanis; 17.3 per cent is accounted for by various ethnic minorities, such as Lezgins, Avars, Talysh, Tsakhurs, Kurds, Udis, Russians, Ukrainians, Armenians, Tatars, Georgians and Belarusians.

2. From a historical point of view Azerbaijan has always been a variegated ethnic palette, and never at any time in the course of its history have any cases of religious or ethnic discord or of discrimination against minorities been recorded.

3. The Constitution of the Azerbaijani Republic, adopted in 1995, guarantees respect for human rights and freedoms regardless of ethnic origin, race, religion, language or other factors.

4. Minorities are widely represented in Azerbaijan's State organs, Parliament and the Government. In the towns, districts, villages and hamlets, where members of various minorities live cheek by jowl, representatives of the local population occupy leading positions in State organs.

5. Notwithstanding the difficulties being experienced by the country, attributable mainly to the 11-year-old armed aggression against Azerbaijan by neighbouring Armenia, which occupies 20 per cent of the territory of the Azerbaijani Republic, the presence of about 1 million refugees and displaced persons in the country, forcibly evicted from the areas where they have always lived as a result of the aggression, and also problems connected with the transitional period, the Government of Azerbaijan continues to pursue a consistent national policy.

6. One of the main features of this policy is that it supports the national languages and cultures of all minorities living in Azerbaijani territory.

7. In Azerbaijan, radio and television programmes are broadcast and books, newspapers and periodicals are published in the languages of the various minorities living in the Republic. For example, regular programmes financed from the State budget are broadcast by the State radio in Kurdish, Lezgin, Talysh, Georgian, Russian and Armenian. Local radio programmes are broadcast in Arabic in the Belokan district and in Lezgin and in Tati in the Khachmaz district. The Gusar and Khachmaz districts have a local television station whose programmes are in Lezgin. In the town of Baku over 20 newspapers and magazines are published in Russian, which is also the language used in daily radio and television broadcasts. The Russian ORT, RTR and NTV programmes are broadcast in full. There are also a number of private radio and television companies in Azerbaijan, and one of the State's television channels broadcasts a programme in English. Newspapers are published in Kurdish, Lezgin, Talysh and Georgian. These publications are subsidized by the State. Specifically, the newspaper "Talyshi syado" and the magazine "Soz" are published in Talysh, the newspapers "Samur" in Lezgin and "Dengi Kurd" in Kurdish, and the newspaper "Gusar" is published in Lezgin in the Gusar district. The newspaper "Aziz" is

published by the Azerbaijan-Israel Association, the newspaper "Vestnik" by the Azerbaijan Russian Association and the newspaper "Sodruzhestvo" by the "Sodruzhestvo Association".

8. A council was created within the Ministry of Education to prepare and publish curricula, manuals and textbooks for the teaching of minority languages. The State has financed the publication of alphabets and textbooks in Russian, Talysh, Kurdish, Lezgin, Tsakhur and Tati.

9. Areas with a high concentration of ethnic Georgians have two schools in which instruction is in three languages, namely, Azerbaijani, Georgian and Russian. The teaching of the mother tongue and of national history and culture for two hours every week has been introduced in schools situated in areas where there is a high proportion of persons belonging to various nationalities. This instruction is provided in Lezgin, Tati, Talysh and other languages.

10. An example worthy of mention is the State's approach to the language spoken by the inhabitants of the mountain village of Khynalyg. Although this language does not fall into any specific language group and that it is spoken by the people of only one village, books are published in Khynalyg and there is a "Khynalyg" cultural centre in the country. In 1997 the State financed the publication of alphabets and textbooks in Russian, Talysh, Kurdish, Lezgin, Tsakhur and Tatar.

11. Azerbaijan has cultural centres, charitable associations and other communal organizations that preserve and develop the distinctive national and cultural characteristics of persons belonging to minorities. These organizations have repeatedly received State assistance and are provided with premises free of charge. Azerbaijan's organizations and national cultural centres for minorities are as follows:

The "Mada" (Talysh) International Association

The "Avesta" (Talysh) Association

The Talysh Cultural Centre

The "Ronai" Kurdish Cultural Centre

The "Samur" Lezgin Centre

The Association of Dagestan-speaking mountain peoples of Azerbaijan

The "Dagestan" cultural centre

The Tsakhur Cultural Centre

The "Orian" Udi Cultural Centre

The Imam Shamilya Arab Association

The Lagych Charitable Association

The "Azeri" Tati Cultural Centre

The Russian Association of Azerbaijan

The Slav Cultural Centre of Azerbaijan

The "Sodruzhestvo" Association

The Tatar Association of Azerbaijan

The "Tugan Tel" Tatar Cultural Centre

The "Veten" Meskhetian Turk Association

The "Akhyska" Meskhetian Turk Cultural Centre

The "Budug" Cultural Centre

The "Shakhdag" Cultural Centre

The European Jewish Community

The Mountain Jewish Community

The Georgian Jewish Community

The "Azerbaijan-Israel" Association

The "Iudaika" International Association

The German National Cultural Association

The "Hynalyg" Cultural Centre

12. Azerbaijan has a large variety of State, departmental, trade union, private and commercial cultural establishments - about 14,000 in all. These include theatres, concert organizations and halls, museums, picture galleries and showrooms, recreation parks, clubs and leisure centres, libraries, music and art schools and fine arts schools.

13. It has 25 State theatres, over 140 museums and branches, 27 picture galleries and also 10,000 libraries with a stock of 100 million books. Over 140,000 persons are employed in 4,000 clubs comprising over 10,000 amateur theatrical, creative and fancier groups. Some 75,000 children and adolescents receive instruction in and familiarization with various aspects of culture in 270 music and art schools, as well as in fine arts schools.

14. In areas with large concentrations of persons belonging to various minorities amateur artistic groups are active in clubs, national and State theatres, fancier associations and clubs catering to specific interests. For example, the Gusar district boasts a Lezgin theatre, the Gakh district a Georgian national theatre and a national puppet theatre, the Astarin and Masallin districts have Talysh folklore groups, the Saatly district has the

"Adygyun" Turkish folklore group, and the town of Baku has its Russian State dramatic theatre, the "Tugan Tel" Tatar song and dance ensemble and the "Sudarushka" Russian ensemble.

15. Article 48 of the Republic's Constitution guarantees the right of all persons to freedom of conscience, in other words, the right freely to express their attitude to religion and individually or collectively to profess any religion or not to profess any religion, and to express and disseminate their religious convictions.

16. The Azerbaijani Republic's law on religious freedom states specifically that no advantages may be granted to or restrictions imposed on one religion or religious teaching in comparison to others.

17. Over 200 Muslim mosques, more than 50 Christian churches and communities and 5 synagogues are registered in the Republic at the present time. Religious communities, establishments and centres of the Caucasian Muslims, the Russian Orthodox church, the evangelical Christian baptist and adventist communities, the international community of Christian protestants ("Life-givirg abundance") and branches of the international Krishna and Baha'i communities are also present in Azerbaijan. In addition, there are hundreds of unofficial religious groups, of which about 60 are communities belonging to the Christian religion.

18. There are five Russian Orthodox churches, of which three are in the town of Baku, one in the town of Gyandzhe and one in the Khachmaz district of Azerbaijan. The Gakh district has four Georgian Orthodox churches and the Gabala district has two Christian churches; moreover, over 30 traditional Protestant communities (Malochites, Baptists, Fiftieth Day Protestants, Seventh-Day Adventists, Lutherans, the New Apostolic Church and others) are active in various parts of Azerbaijan. A number of these communities were registered in the first few years following the restoration of Azerbaijan's independence. Certain non-traditional Christian-Protestant communities, as well as a number of other religious groups formed by foreign missionaries, were registered a little later. These include "Living Grace" the New Apostolic Church, the German Lutheran Church, the Baku branch of the International Krishna Community, the Religious Baha'i Community and many others. A number of other Protestant and Catholic communities that arrived from America and Europe are also active in Azerbaijan.

19. Of the five synagogues in Azerbaijan, three are in the town of Baku, one in the "Krasnaya Sloboda" village in Guba district and one in the centre of Oguz district. A considerable proportion of the Jewish diaspora in Azerbaijan consists of mountain Jews whose synagogue is one of the most important in the country in terms of activities and congregation. The Jewish communities of the Guba district, European Jews, Georgian Jews and the Jews of the Oguz district are the next most important.

20. A large number of Muslim, Christian and Jewish religious educational establishments are active in Azerbaijan. These include the Baku Islamic University, a few Midrash schools, Sunday schools attached to Christian Orthodox churches, Bible courses given by Seventh-Day Adventists and the Bible

School of the International Christian Protestant Community ("Living Grace"). Moreover, in the town of Baku courses in modern Hebrew and the Jewish religion, culture and history have been introduced in secondary school No. 46.

21. The religious denominations and non-traditional religious groups in Azerbaijan engage in charitable activities, assist a wide variety of communities, provide humanitarian assistance and visit boarding schools, homes for the disabled, hospitals and places of detention, providing material and moral support.

22. The national and religious holidays of all denominations are widely observed in Azerbaijan and each year the President delivers an appropriate address on each occasion. The synagogue and Orthodox Church receive financial assistance regularly from the President's fund.

23. Despite the affirmations of the Armenian propaganda machine which, by spreading disinformation about alleged violations of the rights of persons belonging to the Armenian minority in Azerbaijan, tries to justify Armenia's armed aggression against Azerbaijan and its perpetration during that aggression of massive human rights violations, the former Nagorny Karabakh Autonomous Region (NKAR) of Azerbaijan - the majority of whose population consisted of Armenians who resettled in the territory of Azerbaijan in the first half of the nineteenth century - has acquired all the basic elements of self-government and achieved considerable progress through its social, economic and cultural development.

24. Under the Constitution of the Azerbaijani SSR, the legal status of NKAR was governed by the Law on the Nagorny Karabakh Autonomous Region which was adopted following its submission to the Council of People's Deputies of NKAR by the Supreme Soviet of Azerbaijan. NKAR, as a national territorial unit, enjoyed a form of administrative autonomy and therefore possessed a number of rights which in practice ensured that the specific requirements of its population were satisfied. In accordance with the Constitution of the former USSR, NKAR was represented by five deputies in the Council of Nationalities of the Supreme Soviet of the USSR. It was also represented in the Supreme Soviet of the Azerbaijani SSR by 12 deputies.

25. The NKAR Council of National Deputies, which was the State authority in the region, enjoyed a broad range of powers. It decided all matters of a local nature based on the interests of citizens living in the region and in the light of their national and other characteristics. The NKAR Council of People's Deputies participated in the discussion of matters relating to the Republic as a whole, presented proposals on them, implemented the decisions of higher State bodies and directed the activities of lower councils. Armenian was used in the day-to-day work of all State executive and administrative bodies, the court system and the Office of the Public Prosecutor, as well as in education, reflecting the language requirements of the population.

26. A total of 483 million roubles was earmarked for the development of NKAR during the 1971-1985 period; this was 2.8 times greater than the corresponding amount during the previous 15 years. During the past 20 years average per capita investment in NKAR has increased almost fourfold (226 roubles in 1981-1985 as against 59 roubles in 1961-1965). In the past 15 years per

capita housing construction in Azerbaijan as a whole amounted to 3.64 m^2 and 4.76 m^2 in NKAR. The number of hospital beds in NKAR per 10,000 inhabitants was 15 per cent greater than in the Republic.

27. Although NKAR was already among the foremost regions of the Republic as regards the number of pre-school establishments for children, the number of additional places in such establishments made available per 10,000 inhabitants in the region in 1971-1985 was 1.4 times the Republican average. The same is true of the number of additional places per 10,000 inhabitants made available in schools providing a general education, the figure for NKAR being 1.6 times greater than the average.

28. Prior to the Armenian Republic's aggression against the Azerbaijani Republic, during the 1988-1989 school year there were 136 secondary schools in which instruction was in Armenian (16,120 students) and 13 international schools (7,045 students) in the former Nagorny Karabakh Autonomous Region of Azerbaijan. During the same period there were a total of 181 Armenian secondary schools (20,712 students) and 29 international schools (12,766 students) in Azerbaijan.

29. In the town of Hankendi (formerly Stepanakert) over 2,130 students, for the most part Armenian, studied each year in the Armenian, Azerbaijani and Russian branches of the State Pedagogical Institute. In addition, NKAR had dozens of technical secondary schools and vocational training schools offering instruction in Armenian and Russian.

30. A characteristic feature of the social and cultural development of the Nagorny Karabakh region was the fact that the average amount of housing, goods and services available to the population was greater than that for the Republic as a whole. Per capita living space in the region was almost one-third greater than the Republic average and on average the NKAR peasant had 1.5 times more living space than a peasant in the Republic as a whole. The population of the region also had access to greater numbers of medical personnel (1.3 times more) and hospital beds (3 per cent more). Its system of cultural and educational establishments was larger (over three times more cinemas and clubs, twice as many libraries) and it had 1.6 times more books and magazines per 100,000 readers. In the schools, 7.7 per cent of the region's children studied in the second and third shifts whereas for the Republic as a whole the corresponding figure was 25 per cent; 37 per cent of children (as against 20 per cent in the Republic as a whole) were cared for in permanent pre-school establishments.

31. In point of fact NKAR was developing more rapidly than Azerbaijan as a whole. For example, during the 1970-1986 period, industrial production in the Republic increased threefold whereas in NKAR it rose 3.3 times (reflecting growth of over 8.3 per cent). In 1986 3.1 times more fixed capital assets were brought into use in NKAR than in 1970; the corresponding figure for the Republic as a whole was 2.5 times. NKAR's basic social development indicators outstripped average Republican standard of living indicators in the Azerbaijani SSR and the Armenian SSR. The development of cultural establishments in the region as well as throughout the Republic as a whole was considerable. As has been seen above, and as is confirmed by NKAR's existence

and development as part of Azerbaijan, it built up a form of autonomy that fully reflected the economic, social, cultural, national and everyday needs of the population of this autonomous region.

32. At the last OSCE Summit of Heads of State held at Lisbon, the following principles, recommended by the Co-Chairmen of the Minsk Group, were drawn up for the settlement of the armed conflict between Armenia and Azerbaijan and were supported by all States members of OSCE with the exception of Armenia:

The territorial integrity of the Republic of Armenia and the Azerbaijani Republic;

The legal status of Nagorny Karabakh as defined in the agreement, based on self-determination, and the granting to Nagorny Karabakh of the maximum degree of self-government as part of Azerbaijan; and

The guaranteed security of Nagorny Karabakh and its entire population and the mutual obligation of all parties to implement the provisions of the settlement.

33. Despite similar demands by the United Nations Security Council and other international organizations, Armenia continues to this day to retain occupied Azerbaijani territory and to build up its military potential there.

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Letter dated 30 December 1998 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-fifth session of the Commission on Human Rights

I have the honour to transmit to you herewith the information on damage to the cultural heritage of the Republic of Azerbaijan as a result of the military aggression of the Republic of Armenia against the Republic of Azerbaijan.

I would be grateful if you could circulate the present letter and the above-mentioned information as an official document of the fifty-fifth session of the Commission on Human Rights under item 10 of the provisional agenda.

(Signed): Sima EIVAZOVA
Ambassador
Permanent Representative

Information on damage to the cultural heritage of the Republic of Azerbaijan as a result of the military aggression of the Republic of Armenia against the Republic of Azerbaijan

1. Serious damage was caused to the cultural heritage of Azerbaijan as a result of Armenia's armed aggression against Azerbaijan. The vandalism of the occupying forces is clearly revealed by their spoliation of Azerbaijan's cultural heritage in the areas they seized, where unique cultural, historical and architectural sites were partially or completely destroyed. A large number of paintings and sculptures, ornaments of great value, decorative accessories and invaluable manuscripts were carried off by the invaders not only from museums but also from private collections to Armenia as "trophies". Moreover, according to available information, valuable museum pieces seized by Armenia's armed forces in occupied Azerbaijani territory were on a number of occasions put up for sale at international auctions as examples of Armenian culture.

2. As a result of this aggression, 500 architectural and 100 archeological relics and monuments, 22 museums, 808 clubs, 927 libraries, 85 music schools, 10 recreation and leisure parks, 4 State theatres, 2 concert organizations and 4 picture galleries, in which over 40,000 valuable items were stored, were plundered and destroyed.

3. The plundering of the museum of stone relics in the Zangelansk region is continuing under the occupation. Karabakh's history museum, the history museum in the town of Shusha, the Shusha branch of the Azerbaijani carpet and folk art museum, the history and local lore museums in the Agdam, Gubatlin, Zangelan, Dzhebrail, Kelbajar and Fizuli regions of Azerbaijan, the memorial museums of the founder of the first opera house in the Muslim east (1908), the musician and social public figure Uzeir Gadzhibekov, the eminent tenor Byul-Byul, student at Milan's La Scala and founder of Azerbaijani professional vocal art, and the famous musician and artist Mir Movsum Navvab. Statues of Uzeir Gadzhibekov, Byul-Byul, the famous poet and Vizier (Prime Minister) of the Azerbaijani Karabakh Khanate Vagif, and the poetess Khurshid-Banu Natavan - one of the rulers of the Karabakh Khanate - were destroyed or damaged. The unique twin-minaret mosque in the town of Shusha and places of worship in other occupied areas of Azerbaijan were destroyed. Many thousands of rare printed works and invaluable manuscripts were destroyed in libraries that were plundered and burnt down.

4. The fate of these destroyed relics and monuments and plundered valuables was described by the Minister of Foreign Affairs of the Azerbaijani Republic in November 1993 at the twenty-seventh session of UNESCO's General Conference in Paris. In November 1994 a UNESCO mission visited Azerbaijan to determine the condition of educational, cultural and architectural sites in the areas of Azerbaijan occupied by Armenia's armed forces and confirmed that serious damage to educational establishments and Azerbaijan's cultural heritage had been caused by the war.

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COMMISSION ON HUMAN RIGHTS
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Item 17 of the provisional agenda

PROMOTION AND PROTECTION OF HUMAN RIGHTS

Letter dated 4 January 1999 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-fifth session of the Commission on Human Rights

I have the honour to transmit to you herewith the address by the Milli Medjlis (Parliament) of the Republic of Azerbaijan to the United Nations and Parliaments of the countries of the world on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights.

I would be grateful if you could circulate the present letter and the above-mentioned address as an official document of the fifty-fifth session of the Commission on Human Rights under item 17 of the provisional agenda.

(Signed): Sima EIVAZOVA
Ambassador
Permanent Representative

GE.99-10832 (E)

On 10 December 1998, 50 years passed since the Universal Declaration of Human Rights was adopted by the United Nations. This momentous event was festively commemorated in many countries of the world, including Azerbaijan.

The people of Azerbaijan, striving for independence for centuries and overcoming difficulties in its way, had established in 1918 the Democratic Republic of Azerbaijan and, after the collapse of the Soviet Union, restored its national independence. The young Azerbaijani State has chosen the way of democracy and protection of human rights and, encouraged by the initiatives of our President, Mr. Heydar Aliyev, has undertaken consistent steps in this direction: incorporated human rights and freedoms set out in the Universal Declaration of Human Rights and in other international instruments in its first Constitution; declared that a primary goal of our State was to ensure human and citizens' rights and freedoms; acceded to 20 international covenants, conventions and agreements in the field of human rights; for the first time in the Oriental and Muslim world abolished the death penalty; adopted a number of laws on the protection and ensuring of human rights.

Currently, the mechanism of the protection of human rights in Azerbaijan is also improving. More than 1,000 public associations, including dozens of organizations for the protection of human rights, have been registered and are active in our country.

A number of important documents were signed over the last years between the Republic of Azerbaijan and the Office of the United Nations High Commissioner for Human Rights, the Council of Europe and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe with the purpose of studying and disseminating the international experience in the field of the protection of human rights. The development of cooperation in the field of democratic reforms and protection of human rights in Azerbaijan is envisaged in these documents.

Unfortunately, it is regretful to note that despite the half century that has passed since the adoption of the Universal Declaration of Human Rights, some of the States Members of the United Nations do not pay due respect to the rights and freedoms reflected in this document.

Thus, as a result of the policy of the Republic of Armenia of aggression and ethnic cleansing against Azerbaijan, the rights and freedoms of 1 million Azerbaijanis, who became refugees and displaced persons, continue to be gravely violated on a daily basis. As a result of such inhuman policy, 20 per cent of the territory of the Republic of Azerbaijan is occupied, more than 18,000 Azerbaijanis were killed, more than 20,000 people were injured, more than 50,000 became disabled, more than 4,000 were captured as prisoners of war, taken hostage or are missing, more than 4,000 industrial and agricultural enterprises, 660 schools and kindergartens, 250 hospitals and medical centres were destroyed; 724 towns, districts and villages, which were home to Azerbaijanis, were destroyed and burnt down. During the Khodjaly tragedy, one of the most terrible and heinous crimes of the century, the town of Khodjaly was destroyed in full; 613 civilians, including 63 children and 106 women, were brutally killed, 487 were disabled, 1,275 elderly people, women and children were taken hostages and subjected to unthinkable tortures,

physical abuse and harassment. No place in the world witnessed such unspeakable atrocities committed in one place on such a wide scale.

The Azerbaijani side supports the mediation efforts of different international organizations and uses all possible means for the peaceful settlement of the conflict between Armenia and Azerbaijan. In 1993, the United Nations Security Council adopted four resolutions demanding the withdrawal of the Armenian armed forces from the occupied territories of Azerbaijan and the return of refugees and displaced persons to their places of origin. Unfortunately, the Armenian side paid lip service to these resolutions and completely ignored the legitimate demands of the international community.

The situation that has emerged is the logical outcome of the policy of ethnic cleansing and genocide, which subjected our people to difficult privations and national tragedies and has been deliberately implemented against Azerbaijanis in the Caucasus in the last two centuries.

This inhuman policy, being implemented in stages, resulted in massive killings and deportations of Azerbaijanis from their historically inhabited lands, which today has become the territory of Armenia.

The international community should be aware of this injustice, unfairness and discrimination resulting in mass violations of human rights.

Mankind is now at the threshold of the twenty-first century, and it enters this century with the hope of reaching the highest summits of human rights protection. All people throughout the world wish to live in the twenty-first century in a peaceful world, a world protecting human rights, teaching the highest level of democracy and freedoms. This can be ensured only on condition that human rights and the rights of citizens are protected.

The Milli Medjlis of the Republic of Azerbaijan appeals to the United Nations and to all Parliaments of the world to use their authority to stop violations of the rights and freedoms of more than 1 million Azerbaijanis resulting from the aggressive policy of Armenia. It would be the greatest present possible for the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights.

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Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 7 January 1999 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-fifth session of the Commission on Human Rights

I have the honour to transmit to you herewith the information on the organization and implementation of terrorist activities by the Republic of Armenia against the Republic of Azerbaijan (addition to information contained in document E/CN.4/1997/138).

I would be grateful if you could circulate the present letter and the above-mentioned information as an official document of the fifty-fifth session of the Commission on Human Rights under item 9 of the provisional agenda.

(Signed): Sima EIVAZOVA
Ambassador
Permanent Representative

Information on the organization and implementation of terrorist activities by the Republic of Armenia against the Republic of Azerbaijan

(supplementing that contained in document E/CN.4/1997/138)

1. On 3 July 1994, an explosion took place in the second carriage of a Baku underground train between the "28 May" and "Gyandzhlik" stations; as a result, 13 persons were killed, 42 persons suffered bodily injuries of varying gravity (these figures include women and children) and considerable material damage was caused to State property.

2. It was established during the criminal investigation carried out that this terrorist act was perpetrated by Azer Aslanov, an Azerbaijani citizen born and resident in Baku, who had been an officer in the Azerbaijani armed forces.

3. In the course of the investigation and trial it was established that in 1994 A. Aslanov, when a prisoner in Armenia, was recruited by the Armenian Republic's Secret Service, the members of which worked him over for a considerable time, using drugs and psychotropic substances to induce him to engage in terrorist acts on Azerbaijani territory.

4. The investigation and trial brought to light the methods used by the Armenian Secret Service to get Azerbaijani prisoners and hostages to commit crimes of this nature. It was demonstrated that in the course of A. Aslanov's recruitment the Armenian Secret Service insistently tried to have his parents come to the Azerbaijani town of Shusha, which was occupied by Armenian armed forces, allegedly to hand their son over to them. About one month before the above-mentioned explosion took place, and specifically on 9 June 1994, Artur Akopyan, a liaison agent of Armenia's Secret Service living in Moscow, phoned A. Aslanov's parents and talked with his mother about the route she should take via Mineralnye Vody (Russian Federation) to the town of Erevan. Proceeding accordingly and arriving on 15 June in the Armenian capital, A. Aslanov's mother was taken by members of Armenia's Secret Service to the town of Shusha. This is the point at which A. Aslanov's intensive indoctrination began with a view to his carrying out a terrorist act in the Baku underground.

5. It was reliably established that A. Aslanov was provided with forged papers and a large sum of money. Moreover, before sending A. Aslanov westwards, members of Armenia's Secret Service entrusted the captain of the Erevan-Mineralnye Vody airliner with a home-made explosive device. When the aircraft arrived in Mineralnye Vody, the captain, whose baggage was not inspected, gave the device to A. Aslanov.

6. In the evening of 2 July 1994, A. Aslonov arrived by train in Baku from Mineralnye Vody. The next morning he set off the explosion in the Baku underground and on the same day returned to Erevan via Mineralnye Vody.

7. Only after A. Aslanov's return was his mother who, throughout this period had been held hostage in Shusha, allowed to return to Baku. A. Aslanov himself was released only after four months with the help of a mediator. Following his release he lived in the town of Makhachkal (Russian Federation)

with forged papers. During this period, members of Armenia's Secret Service telephoned him on several occasions, trying to induce him to sabotage the Baku-Novorossiisk oil pipeline.

8. It was established during the investigation and trial that A. Aslanov's recruitment and preparation to set off the explosion in the Baku underground were organized by certain members of Armenia's Secret Service and of the so-called "Nagorny-Karabakh Republic" - Colonel Karen Bagdasaryan, a certain Colonel Agvan, Captain Seiran Sarkisyan and others.

9. It was also established that, apart from members of Armenia's Secret Service, one of the ideologists behind the Nagorny Karabakh region's breakaway from Azerbaijan, namely, Zorii Balayan, a writer on social issues, also participated actively in his recruitment.

10. According to A. Aslanov's testimony, the Baku underground operation was coordinated with Robert Kocharyan, the leader of the so-called "Nagorny Karabakh Republic" and now President of Armenia.

11. A. Aslanov was arrested at the request of Azerbaijan's security bodies on 3 September 1996 in the town of Makhachkal by members of the Federal Security Service of the Russian Federation and handed over to Azerbaijan on 29 November 1997.

12. On 29 April 1998, the Judicial Criminal Affairs Panel of the Supreme Court of the Azerbaijani Republic found A. Aslanov guilty of crimes under article 57 (treason), article 61 (terrorism), article 71 (smuggling), article 94, paragraph 1 (premeditated murder with aggravating circumstances) and article 220, section 1 (transport, possession, acquisition or sale of ammunition or explosives without proper authorization) and sentenced him to the maximum punishment, namely, life imprisonment.

13. At the same time, criminal proceedings were brought against Colonel Karen Bagdasaryan, Colonel Agvan, Captain Seiran Sarkisyan, Artur Akopyan and Zoriya Balayan under the relevant articles of Azerbaijan's Criminal Code on suspicion of organizing terrorist activities in the territory of Azerbaijan and thereby causing the death of large numbers of innocent persons; an investigation is being undertaken.

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Item 7 of the provisional agenda

THE RIGHT TO DEVELOPMENT

Note by the Secretariat on the provisional work programme of the Independent Expert on the right to development

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GE.99-10818 (E)

PROVISIONAL WORK PROGRAMME AND RELATED BUDGETARY REQUIREMENTS SUBMITTED BY THE INDEPENDENT EXPERT

Introduction

1. In its resolution 1998/72 the Commission on Human Rights decided to establish the mandate of independent expert on the right to development as part of the follow-up mechanism to the Declaration on the Right to Development. This provisional work programme is submitted by the independent expert for the information of the Commission at its fifty-fifth session with a view to providing them with an indication of possible lines of approach to be developed in the discharge of his mandate. A study will be submitted to the open-ended working group of the Commission for consideration at its meeting in June 1999.

I. WHAT IS TO BE IMPLEMENTED?

Essence of the right to development

2. The Declaration on the Right to Development sets out clearly the essential elements of the right and those will form the basis of the expert's study. At a future date he will examine the theoretical aspects of the right and possible amendment, extension and reformulation of the Declaration to make it more precise and more accessible to implementation and enforcement. But in this year's report the emphasis would be on strategies for implementing the right to development as elaborated in the 1986 Declaration, consistent with the principles and practices of international law and placed against a background of globalization and increased integration of the world.

3. Article 1 of the Declaration states that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. Article 8 specifies that States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating social injustice. States should also encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights. Violations of human rights should be halted.

Responsibility of States and international cooperation

4. While article 3, paragraph 1 of the Declaration places upon States the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development, article 4, paragraph 2 clearly states that effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development.

5. Article 2, paragraph 3 of the Declaration provides that States have the right and the duty to formulate appropriate national development policies. Article 4, paragraph 2 adds that sustained action is required to promote more rapid development of developing countries.

6. However, article 3, paragraph 3 of the Declaration makes it clear that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to it. The principle of cooperation is also a cornerstone of the International Covenant on Economic, Social and Cultural Rights, which in article 23, provides for international action for the achievement of the rights recognized in the Covenant.

Elimination of obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights

7. Article 6 of the Declaration calls for international cooperation with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms. In particular, States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights. States must take resolute steps to eliminate massive and flagrant violations of human rights.

II. AN AGENDA FOR IMPLEMENTATION

8. The foregoing snapshot of the Declaration indicates that, in any agenda for implementation of the right to development, national action, which is of primary importance, must be complemented by international cooperation. With increased integration of the global economy, the policies and actions of a State at the national level are circumscribed by the interaction between States, policies adopted by other States and the overall international environment. Any strategy for implementing the right to development therefore has to build on nation action by combining with mutually consistent international action based on cooperation in the diverse fields of economic activity and institutions.

9. It would be important to provide to the open-ended working group of the Commission analytically presented information and materials that would enable it to take its deliberations forward concretely in its quest to further the implementation of the right to development.

10. With a view to the preparation of such analytical materials, the expert proposes to undertake the following course of action:

(a) To make case studies in respect of States which have experienced financial, economic or social turbulence and which have received international financial assistance packages, and to analyse them from the point of view of the impact of those phenomena on the achievement of the right to development;

(b) To invite all Governments to provide information on concrete measures they are pursuing at the national level to further the right to development as a human right;

(c) To organize a consultation with the participation of eminent personalities from the different regions of the world to discuss the replies received from Governments and to help prepare an analysis for the open-ended working group;

(d) To invite regional and subregional (economic and social) organizations, to submit information on regional or subregional cooperation efforts for the implementation of the right to development. An analytical presentation of the information received will be presented to the open-ended working group;

(e) To request organizations and agencies of the United Nations system, as well as the international financial and development organizations to provide information on what they are doing to further the implementation of the right to development. A consultation will be organized with representatives of these organizations to help draw up a report for the open-ended working group;

(f) To ask the leading human rights non-governmental organizations in consultative status with the Economic and Social Council to submit information and insights relevant to the elimination of obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights.

III. SPECIFIC PLANS

11. The implementation of the mandate, as outlined above, requires:

(i) Travel and subsistence for the missions of the independent expert (two working days in each country/city)

For 1999

Asia: four countries (Indonesia, Republic of Korea, Thailand, Malaysia);

Central and Eastern Europe: four countries (Bulgaria, Poland, the Russian Federation, Kazakstan);

Two visits each to three cities in three regions to meet with NGOs and consult with Governments and aid agencies (London, New York, Toronto, Mexico, Australia, South Africa).

For 2000

Latin America and the Caribbean: four countries (Argentina, Mexico, Brazil, Guyana);

Africa: four countries (South Africa, Ghana, Tanzania, Egypt);

Two visits each to three cities in three regions to meet with NGOs and consult with Governments and aid agencies (Amsterdam, Stockholm, Washington, San Francisco, Tokyo, Beijing).

(ii) Visits to international institutions and attendance at meetings by the independent expert

For 1999

Committee on Economic, Social and Cultural Rights;

IMF-World Bank (five working days);

Asian Development Bank (three working days);

Commission on Human Rights (five working days);

Latin American regional seminar on the right to development, in Santiago, Chile (three working days);

African regional seminar on the right to development, in Tunis, Tunisia (three working days);

Consultation with a group of eminent personalities;

Inter-agency consultation to contribute to the draft report of the open-ended working group.

For 2000

Committee on Economic, Social and Cultural Rights;

World Bank and Inter-American Bank for Development;

Commission on Human Rights (five working days);

Asian regional seminar on the right to development (three working days);

Central and Eastern European regional seminar on the right to development (three working days).

(iii) Local support to the independent expert in New Delhi, India

Local currency provision for meeting the research and related expenses in an amount equal to:

One local P-3 level staff for six work-months in 1999;

One local P-3 level staff for six work-months in 2000;

One local GS staff for six work-months each in 1999 and 2000.

12. Items (i) and (ii) above are only provisional estimates of the maximum expenditures that may be incurred, as in practice it may not be possible to carry out all the visits, given the time and logistics restraints. However, the expenditures under item (iii) will be the essential minimum required to carry out the tasks of the mandate.